

Interview Summary	Application No.	Applicant(s)	
	09/229,898	ROWE ET AL.	
	Examiner	Art Unit	
	Lance W. Sealey	2671	

All participants (applicant, applicant's representative, PTO personnel):

(1) Lance W. Sealey, examiner. (3) _____.

(2) Peter Thurlow, applicants' representative. (4) _____.

Date of Interview: 20 September 2004.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____.

Claim(s) discussed: 213.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicants' representative asked the examiner to issue a supplemental notice of allowability in which : (1) claim 213 is amended in an examiner's amendment; (2) the listing of allowed claims in the notice of allowability reads "1, 7-23, 29-116, 118-129, 131-166, 168-179, 181-192, 195-204 and 207-254"; and (3) the drawings section of the notice of allowability is updated to indicate that the drawings have been accepted.

The applicants' representative's fax and the examiner's amendment are attached, along with this interview summary, to the supplemental notice of allowability, and the requested changes have been made to the supplemental notice of allowability page.

FITZPATRICK, CELLA, HARPER & SCINTO

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FACSIMILE COVER SHEET

TO: Lance W. Sealey
Examiner-U.S. Patents and Trademark Office

FROM: Leonard P. Diana (Reg. No. 29,296)

RE: U.S. Patent Appln. No. 09/229,898
Atty. Docket No. 01263.000700.

FAX NO.: 703-746-5930

DATE: September 23, 2004 **NO. OF PAGES:** 5
(including cover page)

TIME: **SENT BY:**

MESSAGE

Further to your telephone conversation on September 20, 2004, with Peter Thurlow (Reg. No. 47,138), please see the attached Interview Summary.

**IF YOU DO NOT RECEIVE ALL THE PAGES
PLEASE CALL 212-218-2100 AS SOON AS POSSIBLE.**

Note: We are transmitting from a Canon Model FAX-L770
(compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINALS US AT THE ABOVE ADDRESS. THANK YOU.

01263.000700.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
SIMON MICHAEL ROWE ET AL.) : Examiner: Lance W. Sealey
Appln. No.: 09/229,898) : Group Art Unit: 2671
Filed: January 14, 1999) : Confirmation No.: 5189
For: IMAGE PROCESSING) :
APPARATUS : September 23, 2004

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Sir:

Applicants hereby attach an Interview Summary of the interview that was conducted, by telephone, on September 20, 2004, with one of Applicants' attorneys and Examiner Sealy. Applicants respectfully request that Claim 23 be amended as shown on page 2 and that the Examiner return to Applicants' attorneys a Supplemental Notice of Allowability to make the changes as discussed below.

I hereby certify that this correspondence is being facsimile transmitted by facsimile to the Patent and Trademark Office (Fax No. (703) 746-5930) on September 23, 2004
(Date of Transmission)

PETER G. THURLOW Reg. No. 47,138

(Name of Attorney for Applicants)

Peter G. Thurlow
Signature

September 23, 2004
Date of Signature

REMARKS

Claims 1, 7-23, 29-116, 118-129, 131-166, 168-176, 179, 181-192, 195-204, and 207-254 are pending in this application, a Notice of Allowance having been issued on August 16, 2004. It is intended to amend Claim 213 to correct a typographical error, i.e., to add the word "to" to the claim. One of Applicants' attorneys reviewed this amendment by telephone on September 20, 2004, with Examiner Sealey, who indicated that he would make this change to Claim 213 by Examiner's amendment. The Examiner and Applicants' attorney agreed that it was only necessary to include Claim 213 in this Interview Summary, i.e., it was not necessary to include a listing of all the claims.

Applicants' attorney also requested that the Examiner provide a Supplemental Notice of Allowability to correct the listing of claims in section 2 to read that Claims "1, 7-23, 29-116, 118-129, 131-166, 168-179, 181-192, 195-204, and 207-254" have been allowed. In addition, Applicants' attorney requested that the drawings section of the Notice of Allowability be updated to indicate that the drawings have been accepted since a "Letter Submitting Corrected Drawings" dated August 27, 2003, was submitted to the Patent Office in response to the objection raised by the draftsperson in the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached to Paper No. 15. Examiner Sealey stated that he would review these points and if appropriate, fax to Applicants' attorney an updated Notice of Allowability that includes the changes discussed above.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

Leonard P. Diana
Attorney for Applicants
Leonard P. Diana
Registration No.: 29,296

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The requested amendment to Claim 213 is as follows:

213. (Currently Amended) A physically-embodied computer program product including instructions in computer-readable form, including instructions for causing a programmable processing apparatus to become operable to perform a method according to any one of claims 191, 201, 202 and 249.